

Opinion by Sherton.

The parties agree that the appealed decision should be remanded to respondent Wallowa County. The parties further agree that "costs in the sum of \$150 [should be] awarded to petitioner." Stipulated Order of Remand 1.

Petitioner is the prevailing party in this appeal. Mackie v. Linn County, 17 Or LUBA 1013, 1014 (1988). Under OAR 661-10-075(1)(b)(A), if petitioner is the prevailing party, the Board may only award petitioner the cost of the filing fee for his appeal.

The county's decision is remanded. Petitioner is awarded the cost of his \$50.00 filing fee, to be paid by respondent. The Board shall return petitioner's \$150.00 deposit for costs.